

STATE OF NEW YORK

9457

IN ASSEMBLY

March 14, 2024

Introduced by M. of A. BICHOTTE HERMELYN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requirements of the annual report from the division of minority and women's business development

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 4 of section 315 of the executive law, as
2 amended by chapter 96 of the laws of 2019, is amended to read as
3 follows:
4 4. The division of minority and women's business development shall
5 issue an annual report which: (a) summarizes the report submitted by
6 each contracting agency pursuant to subdivision three of this section;
7 (b) contains such comparative or other information as the director deems
8 appropriate, including but not limited to goals compared to actual
9 participation of minority and women-owned business enterprises in state
10 contracting and a listing of annual participation rates for each agency,
11 the total number of certified minority and women-owned businesses for
12 that reporting year, the number of applications for new certifications
13 and recertifications including those approved, the average length of
14 time to determine an approval, the number of applications denied, the
15 basis for any denials and the average length of time to determine a
16 denial, and the total dollar value of state expenditures on certified
17 minority and women-owned business contracts and subcontracts for that
18 reporting year, each of the foregoing information categorized by the
19 minority group that such business relies on for certification pursuant
20 to this article and by gender, to evaluate the effectiveness of the
21 activities undertaken by each such contracting agency to promote
22 increased participation by certified minority or women-owned businesses
23 with respect to state contracts and subcontracts; (c) contains a summary
24 of all waivers of the requirements of subdivisions six and seven of
25 section three hundred thirteen of this article allowed by each contract-
26 ing agency during the period covered by the report, including a
27 description of the basis of the waiver request and the contracting agen-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 cy's rationale for granting any such waiver; (d) describes any efforts
2 to create a database or other information storage and retrieval system
3 containing information relevant to contracting with minority and women-
4 owned business enterprises; ~~and~~ (e) contains a summary of (i) all
5 determinations of violations of this article by a contractor or a
6 contracting agency made during the period covered by the annual report
7 pursuant to section three hundred sixteen-a of this article and (ii) the
8 penalties or sanctions, if any, assessed in connection with such deter-
9 minations and the rationale for such penalties or sanctions; and (f)
10 contains information on each contract identifying the following: (i)
11 whether it is a contract for goods or services; (ii) whether the
12 contract was awarded to a certified minority-owned business enterprise
13 or a certified women-owned business enterprise and identifies which
14 minority group member the minority-owned business enterprise relies on
15 for certification pursuant to this article; (iii) the name and business
16 address of prime contractors and subcontractors providing services
17 under such contract; and (iv) the dollar value of such contract. Copies
18 of the annual report shall be provided to the commissioner, the gover-
19 nor, the comptroller, the temporary president of the senate, the speaker
20 of the assembly, the minority leader of the senate, the minority leader
21 of the assembly and shall also be made widely available to the public
22 via, among other things, publication on a website maintained by the
23 division of minority and women's business development.

24 § 2. This act shall take effect immediately; provided, however, that
25 the amendments to section 315 of the executive law, made by section one
26 of this act, shall not affect the repeal of such section and shall be
27 deemed repealed therewith.